

## **APPENDIX G**

### **Letters and Permits Received Through Interagency Consultation Concerning Threatened, Endangered, and Sensitive Species and Habitats**



January 10, 2002

Chad Phillips  
Department of Agriculture  
3939 Cleveland Ave SE  
Olympia WA 98501

**SUBJECT: Two Proposed Gypsy Moth Eradication Projects: Vader, Lewis County (T11N R02W S29-32) and Crown Hill, King County (T25N R03E S01)**

We've searched the Natural Heritage Information System for information on significant natural features in your project areas. Currently, we have no records for rare plants, select rare animal species, or high quality ecosystems in the vicinity of your projects.

The information provided by the Washington Natural Heritage Program is based solely on existing information in the database. In the absence of field inventories, we cannot state whether or not a given site contains high quality ecosystems or rare species; there may be significant natural features in your study areas of which we are not aware.

The Washington Natural Heritage Program is responsible for information on the state's endangered, threatened, and sensitive plants as well as high quality ecosystems. We have begun to add information to our database on selected groups of animals of conservation concern, such as freshwater mussels, butterflies and bats. However, to ensure that you receive information on all animal species of concern, please contact Priority Habitats and Species, Washington Department of Fish and Wildlife, 600 Capitol Way N, Olympia, WA 98501-1091, or by phone (360) 902-2543.

If you have the opportunity, visit our website at <http://www.wa.gov/dnr> and click on *Programs & Topics* to locate the Natural Heritage Program. Please do not hesitate to call me at (360) 902-1667 if you have any questions, or by E-Mail: [sandra.moody@wadnr.gov](mailto:sandra.moody@wadnr.gov).

Sincerely,

A handwritten signature in cursive script that reads "Sandy Swope Moody".

Sandy Swope Moody, Environmental Review Coordinator  
Washington Natural Heritage Program  
Asset Management & Protection Division  
PO Box 47014  
Olympia WA 98504-7014



WASHINGTON STATE  
DEPARTMENT OF FISH AND WILDLIFE

1000 N. MICHIGAN STREET, SUITE 1000, OLYMPIA, WA 98504-2560  
PHONE: (360) 327-2560 FAX: (360) 327-2561 TOLL FREE: 1-800-368-2868  
WWW.DFW.WA.GOV

February 20, 2002

Mr. Chad Phillips  
Washington State Department of Agriculture  
Post Office Box 42560  
Olympia, Washington 98504-2560

Dear Mr. Phillips:

In response to your data request for lepidopteran species of concern, dated December 19, 2001, we have conducted data retrievals for the proposed 2002 Vader and Crown Hill Gypsy Moth Eradication Projects. The Vader project is located in Lewis County on 560 acres in T11N R2W sections 29, 30, 31, and 32, the 16.5 acre Crown Hill project is in King County. We found no butterfly species of concern in our records for either proposed *Bacillus thuringiensis* var. *kurstaki* (Btk) application area. As you know from the 2001 Vader Gypsy Moth eradication project, there is one species of concern record for the general area; Whulge or Taylor's checkerspot (*Euphydryas editha taylori*), a candidate species for state and federal listing located in 1983 on Drew's Prairie, approximately 5 miles from the project area. You and I revisited this information and decided to conduct a field visit to the 2002 proposed site in order to evaluate the likelihood of site occupancy by Whulge checkerspot and to review the Btk application plan.

The Whulge checkerspot inhabits gravel outwash prairies and maritime grasslands in western Washington. Historically ranging from the Willamette Valley, Oregon, north to southern Vancouver Island, Canada, this species is currently known to remain on only a handful of sites, primarily in Washington. Two Whulge checkerspot larval food plants have been identified: harsh paintbrush (*Castilleja hispida*) and English pliantain (*Plantago lanceolata*).

We visited the proposed application area on February 14 and examined vegetation and habitat from vehicle and foot. Grassy openings, the habitat which could potentially support Whulge checkerspot, were identified using an aerial photo. We searched grassy openings for bunchgrass (*Festuca* spp.) plants or areas which were not dominated by nonnative grasses. We inspected several fields and pastures which have been regularly and intensively managed for many years, including hayfields in section 29, along McMurphy Creek, heavily grazed pastures along Annonen and Winlock Vader Roads, and a densely planted Christmas tree farm on Winlock Vader Road. The hayfields and tree farm were dominated by nonnative grasses. Intense grazing prohibited plant identification in the pastures. We walked through a large horse pasture (SE 1/4 of Section 30), that was not fully viewable from the road, and found it moderately to heavily

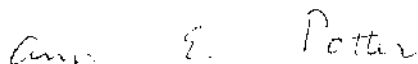
Mr. Chad Phillips  
February 20, 2002  
Page 2

grazed, patches of bare ground were uncommon, but grasses and forbs were uniformly eaten quite short. We traversed a field located along Olequa Creek in the NW 1/4 of Section 29 that was also dominated by nonnative grass species and had extensive patches of bare ground from four-wheel drive vehicle use. Searches of the Vader project site did not locate any areas of bunchgrass, species which may indicate remnant native grasslands. We did locate English plaintain plants in several fields. The timing of our visit prohibited butterfly or larval surveys as well as detection of harsh paintbrush and many other grassland plant species.

My impression of the site is that it is unlikely to support Whulge checkerspot. Historically, some native grasslands likely existed within this landscape, however, intensive agricultural use has resulted in conditions that are unlikely to support their associated Lepidoptera. The Department of Natural Resources (DNR), Natural Heritage Information System has no records of rare plants or high quality ecosystems in the project area, and DNR's oak canopy and grasslands geographic information system layer does not indicate current presence of these habitats. The presence of English plaintain does little to indicate Whulge checkerspot presence as it is an invasive European weed, common in many western Washington backyards. Despite the fact that an extant population in this area cannot be ruled out, I think there is a very low probability that the proposed 2002 Gypsy Moth eradication effort will effect populations of this rare butterfly.

We are concerned about the project's impact to nontarget moth and butterfly species. The effects are likely to be short-term as the application area is 560 acres and habitat within the project is similar to that of the surrounding landscape, factors which support recolonization. Impacts will likely be long-term, however, to Lepidoptera populations of low-dispersing species that are isolated or patchily distributed. We also recognize the importance of eradicating gypsy moth from areas where it becomes established in Washington. We support ongoing research efforts to develop effective gypsy moth treatment methods that are less harmful to nontarget Lepidoptera. I hope this information is helpful. If you have any further questions, please contact me at (360) 902-2496.

Sincerely,



Ann E. Potter, Wildlife Biologist  
Wildlife Diversity Division

AP:rrh

cc: Fred Dobler, Wildlife Program Manager, Vancouver Region  
Carl Dugger, Habitat Program Manager, Vancouver Region  
Ted Thomas, USFWS

# USDA APHIS PPQ

USDA APHIS PPQ  
22000 Marine View Dr., S., #201  
Des Moines, WA 98198

Phone: (206) 592-9057  
Voice/TTY/ASCII/Spanish 800 877-8339  
FAX: (206) 592-9043  
email:  
Barbara.A.Chambers@aphis.usda.gov

Thursday, January 10, 2002

U.S. Fish and Wildlife Service  
Attn: Jim Michaels  
510 Desmond Dr. SE, Suite 102  
Lacey, WA 98503-1263

Dear Mr. Michaels:

The United States Department of Agriculture-Animal and Plant Health Inspection Service-Plant Protection and Quarantine (USDA-APHIS-PPQ) in cooperation with the Washington State Department of Agriculture (WSDA) is formulating plans for two proposed Gypsy Moth eradication projects. As part of the consultation required under section 7 of the Endangered Species Act, we hereby request a review of the proposed treatment areas for the potential presence of listed or proposed threatened or endangered species. The proposed treatment areas are listed below and I have enclosed maps detailing their locations.

Vader:	Lewis County; S29, 30, 31, 32 T11N R2W Approx. 560 acres
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Crown Hill:	King County; S1 T25N R3E Approx. 16.5 acres
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Pending review and modification, the proposed actions will involve three applications of the biological insecticide *Bacillus thuringiensis var. kurstaki* (B.t.k.) to all trees and shrubs in the aforementioned treatment sites. The exact timing of the proposed action will depend on the weather and Gypsy Moth larval and foliage development. Applications, most likely, will begin in late April 2002 and end in early June 2002, with each application occurring 7 to 14 days apart. The proposal will include provisions for the possibility of a fourth application of B.t.k., if substantial rainfall occurs too soon following the completion of an application.

Your prompt attention to this request would be appreciated. Please refer to last year's FWS Ref#1-3-01-SP-0454 to facilitate your process. You may reach me at (206) 592-9057, or for answers to specific questions regarding the proposed treatment site you may contact Chad Phillips with WSDA at (360) 586-8456. In your response, please provide a point of contact and number to facilitate a dialogue. Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in cursive script, reading "Barbara Chambers".

Barbara Chambers  
Plant Health Director  
USDA-APHIS-PPQ

BAC:chp  
Enclosures

cc: Dr. Charles Divan, USDA-APHIS  
Chad H. Phillips, WSDA



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

Western Washington Fish and Wildlife Office

510 Desmond Drive SE, Suite 102

Lacey, Washington 98503

Phone: (360) 753-9440 Fax: (360) 534-9331

**FEB 11 2002**

Dear Species List Requester:

We are providing the information you requested to assist your determination of possible impacts of a proposed project to species of Federal concern. Attachment A includes the listed threatened and endangered species, species proposed for listing, candidate species, and/or species of concern that may be within the area of your proposed project.

Any Federal agency, currently or in the future, that provides funding, permitting, licensing, or other authorization for this project must assure that its responsibilities section 7(a)(2) of the Endangered Species Act of 1973, as amended (Act), are met. Attachment B outlines the responsibilities of Federal agencies for consulting or conferencing with us (U.S. Fish and Wildlife Service).

If both listed and proposed species occur in the vicinity of a project that meets the requirements of a major Federal action (i.e., "major construction activity"), impacts to both listed and proposed species must be considered in a biological assessment (BA) (section 7(c); see Attachment B). Although the Federal agency is not required, under section 7(c), to address impacts to proposed species if listed species are not known to occur in the project area, it may be in the Federal agency's best interest to address impacts to proposed species. The listing process may be completed within a year, and information gathered on a proposed species could be used to address consultation needs should the species be listed. However, if the proposed action is likely to jeopardize the continued existence of a proposed species, or result in the destruction or adverse modification of proposed critical habitat, a formal conference with us is required by the Act (section 7(a)(4)). The results of the BA will determine if conferencing is required.

The Federal agency is responsible for making a determination of the effects of the project on listed species and/or critical habitat. For a Federal agency determination that a listed species or critical habitat is likely to be affected (adversely or beneficially) by the project, you should request section 7 consultation through this office. For a "not likely to adversely affect" determination, you should request our concurrence through the informal consultation process. For a "no effect" determination, we would appreciate receiving a copy for our information.

Candidate species and species of concern are those species whose conservation status is of concern to us, but for which additional information is needed. Candidate species are included as an advance notice to Federal agencies of species that may be proposed and listed in the future. Conservation measures for candidate species and species of concern are voluntary but recommended. Protection provided to these species now may preclude possible listing in the future.

For other federally listed species that may occur in the vicinity of your project, contact the National Marine Fisheries Service at (360) 753-9530 to request a list of species under their jurisdiction. For wetland permit requirements, contact the Seattle District of the U.S. Army Corps of Engineers for Federal permit requirements and the Washington State Department of Ecology for State permit requirements.

Thank you for your assistance in protecting listed threatened and endangered species and other species of Federal concern. If you have additional questions, please contact Yvonne Dettlaff (360) 753-9582.

Sincerely,

A handwritten signature in black ink, appearing to read "Ken S. Berg". The signature is fluid and cursive, with a small "for" written below the main signature.

Ken S. Berg, Manager  
Western Washington Fish and Wildlife Office

Enclosure(s)



**LISTED AND PROPOSED ENDANGERED AND THREATENED SPECIES, CRITICAL  
HABITAT, CANDIDATE SPECIES, AND SPECIES OF CONCERN THAT MAY OCCUR  
WITHIN THE VICINITY OF THE PROPOSED  
VADER GYPSY MOTH ERADICATION PROJECT  
IN LEWIS COUNTY, WASHINGTON**

**(T11N R2W S29-32)**

**FWS REF: 1-3-02-SP-618**

**LISTED**

Wintering bald eagles (*Haliaeetus leucocephalus*) may occur in the vicinity of the project. Wintering activities occur from October 31 through March 31.

Bull trout (*Salvelinus confluentus*) may occur in the vicinity of the project.

Major concerns that should be addressed in your biological assessment of the project impacts to listed species include:

1. Level of use of the project area by listed species,
2. Effect of the project on listed species' primary food stocks, prey species, and foraging areas in all areas influenced by the project, and
3. Impacts from project construction (i.e., habitat loss, increased noise levels, increased human activity) that may result in disturbance to listed species and/or their avoidance of the project area.

**PROPOSED**

Coastal cutthroat trout (*Oncorhynchus clarki clarki*) may occur in the vicinity of the project.

**CANDIDATE**

None

## CRITICAL HABITAT

None

## SPECIES OF CONCERN

The following species of concern have been documented in the county where the project is located. These species or their habitat could be located on or near the project site. Species in **bold** were specific occurrences located on the database within a 1 mile radius of the project site.

California wolverine (*Gulo gulo luteus*)  
Cascades frog (*Rana cascadae*)  
Columbia torrent salamander (*Rhyacotriton kezeri*)  
Larch Mountain salamander (*Plethodon larselli*)  
Long-eared myotis (*Myotis evotis*)  
Long-legged myotis (*Myotis volans*)  
Northern goshawk (*Accipiter gentilis*)  
Olive-sided flycatcher (*Contopus cooperi*)  
Pacific fisher (*Martes pennanti pacifica*)  
Pacific lamprey (*Lampetra tridentata*)  
Pacific Townsend's big-eared bat (*Corynorhinus townsendii townsendii*)  
Peregrine falcon (*Falco peregrinus*)  
River lamprey (*Lampetra ayresi*)  
Valley silverspot (*Speyeria zerene bremeri*)  
Van Dyke's salamander (*Plethodon vandykei*)  
Western toad (*Bufo boreas*)  
*Delphinium leucophaeum* (pale larkspur)

**LISTED AND PROPOSED ENDANGERED AND THREATENED SPECIES, CRITICAL  
HABITAT, CANDIDATE SPECIES, AND SPECIES OF CONCERN THAT MAY OCCUR  
WITHIN THE VICINITY OF THE PROPOSED  
CROWN HILL GYPSY MOTH ERADICATION PROJECT  
IN KING COUNTY, WASHINGTON**

**(T25N R3E S1)**

**FWS REF: 1-3-02-SP-619**

**LISTED**

There is one bald eagle (*Haliaeetus leucocephalus*) nesting territory located in the vicinity of the project at T25N R4E S7. Nesting activities occur from January 1 through August 15.

Wintering bald eagles may occur in the vicinity of the project. Wintering activities occur from October 31 through March 31.

Bull trout (*Salvelinus confluentus*) may occur in the vicinity of the project.

Major concerns that should be addressed in your biological assessment of the project impacts to listed species include:

1. Level of use of the project area by listed species,
2. Effect of the project on listed species' primary food stocks, prey species, and foraging areas in all areas influenced by the project, and
3. Impacts from project construction (i.e., habitat loss, increased noise levels, increased human activity) that may result in disturbance to listed species and/or their avoidance of the project area.

**PROPOSED**

None

## CANDIDATE

None

## CRITICAL HABITAT

None

## SPECIES OF CONCERN

The following species of concern have been documented in the county where the project is located. These species or their habitat could be located on or near the project site. Species in **bold** were specific occurrences located on the database within a 1 mile radius of the project site.

Beller's ground beetle (*Agonum belleri*)  
California wolverine (*Gulo gulo luteus*)  
Cascades frog (*Rana cascadae*)  
Hatch's click beetle (*Eanus hatchi*)  
Long-eared myotis (*Myotis evotis*)  
Long-legged myotis (*Myotis volans*)  
Northern goshawk (*Accipiter gentilis*)  
Northwestern pond turtle (*Clemmys marmorata marmorata*)  
Olive-sided flycatcher (*Contopus cooperi*)  
Pacific fisher (*Martes pennanti pacifica*)  
Pacific Townsend's big-eared bat (*Corynorhinus townsendii townsendii*)  
Pacific lamprey (*Lampetra tridentata*)  
Peregrine falcon (*Falco peregrinus*)  
River lamprey (*Lampetra ayresi*)  
Valley silverspot (*Speyeria zerene bremeri*)  
Western toad (*Bufo boreas*)  
*Aster curtus* (white-top aster)

## ATTACHMENT B

### FEDERAL AGENCIES' RESPONSIBILITIES UNDER SECTIONS 7(a) AND 7(c) OF THE ENDANGERED SPECIES ACT OF 1973, AS AMENDED

#### SECTION 7(a) - Consultation/Conference

- Requires:
1. Federal agencies to utilize their authorities to carry out programs to conserve endangered and threatened species;
  2. Consultation with the U.S. Fish and Wildlife Service (FWS) when a Federal action may affect a listed endangered or threatened species to ensure that any action authorized, funded, or carried out by a Federal agency is not likely to jeopardize the continued existence of listed species or result in the destruction or adverse modification of critical habitat. The process is initiated by the Federal agency after it has determined if its action may affect (adversely or beneficially) a listed species; and
  3. Conference with the FWS when a Federal action is likely to jeopardize the continued existence of a proposed species or result in destruction or an adverse modification of proposed critical habitat.

#### SECTION 7(c) - Biological Assessment for Construction Projects \*

Requires Federal agencies or their designees to prepare a Biological Assessment (BA) for construction projects only. The purpose of the BA is to identify any proposed and/or listed species that is/are likely to be affected by a construction project. The process is initiated by a Federal agency in requesting a list of proposed and listed threatened and endangered species (list attached). The BA should be completed within 180 days after its initiation (or within such a time period as is mutually agreeable). If the BA is not initiated within 90 days of receipt of the species list, please verify the accuracy of the list with the Service. No irreversible commitment of resources is to be made during the BA process which would result in violation of the requirements under Section 7(a) of the Act. Planning, design, and administrative actions may be taken; however, no construction may begin.

To complete the BA, your agency or its designee should (1) conduct an onsite inspection of the area to be affected by the proposal, which may include a detailed survey of the area to determine if the species is present and whether suitable habitat exists for either expanding the existing population or potential reintroduction of the species; (2) review literature and scientific data to determine species distribution, habitat needs, and other biological requirements; (3) interview experts including those within the FWS, National Marine Fisheries Service, state conservation department, universities, and others who may have data not yet published in scientific literature; (4) review and analyze the effects of the proposal on the species in terms of individuals and populations, including consideration of cumulative effects of the proposal on the species and its habitat; (5) analyze alternative actions that may provide conservation measures; and (6) prepare a report documenting the results, including a discussion of study methods used, any problems encountered, and other relevant information. Upon completion, the report should be forwarded to our Endangered Species Division, 510 Desmond Drive SE, Suite 102, Lacey, WA 98503-1273.

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\* "Construction project" means any major Federal action which significantly affects the quality of the human environment (requiring an EIS), designed primarily to result in the building or erection of human-made structures such as dams, buildings, roads, pipelines, channels, and the like. This includes Federal action such as permits, grants, licenses, or other forms of Federal authorization or approval which may result in construction.

# USDA APHIS PPQ

USDA APHIS PPQ  
22000 Marine View Dr., S., #201  
Des Moines, WA 98198

Phone: (206) 592-9057  
Voice/TTY/ASCII/Spanish 800 877-8339  
FAX: (206) 592-9043  
email:  
Barbara.A.Chambers@aphis.usda.gov

Thursday, January 10, 2002

National Marine Fisheries Service (NMFS)  
Attn: Tom Sibley  
510 Desmond Dr. SE, Suite 103  
Lacey, WA 98503-1263

Dear Mr. Sibley:

The United States Department of Agriculture-Animal and Plant Health Inspection Service-Plant Protection and Quarantine (USDA-APHIS-PPQ) in cooperation with the Washington State Department of Agriculture (WSDA) is formulating plans for two proposed Gypsy Moth eradication projects. The proposed treatment areas are listed below and I have enclosed maps detailing their locations.

Vader:	Lewis County; S29, 30, 31, 32 T11N R2W Approx. 560 acres
Crown Hill:	King County; S1 T25N R3E Approx. 16.5 acres

At the Vader site, three creeks and associated wetlands are in the immediate area of the proposed treatment zone. One creek is McMurphy, another is Stillwater, both of which drain into the third, Olequa Creek. Olequa Creek is a tributary to the Cowlitz River which drains into the Columbia River near Longview, Washington. As part of the consultation required under Section 7 of the Endangered Species Act, USDA hereby requests agreement from NMFS, based on the species listed on your web site, to determine if the following anadromous species are likely to be found near the proposed treatment site.

Chinook Salmon	Lower Columbia River ESU (*)	Threatened
Chum Salmon	Columbia River ESU (*)	Threatened
Steelhead	Lower Columbia River ESU (*)	Threatened
Coho Salmon	Lower Columbia River/SW Washington ESU	Candidate

(\*) We respectfully request the actual Federal Register notice date that describes these populations.

At the Crown Hill site, there are no creeks or other open bodies of water associated with the proposed treatment zone.

Pending review and modification, the proposed actions will involve three applications of the biological insecticide *Bacillus thuringiensis var. kurstaki* (B.t.k.) to all trees and shrubs in the aforementioned treatment sites. The exact timing of the proposed action will depend on the weather and Gypsy Moth larval and foliage development. Applications, most likely, will begin in late April of 2002 and end in early June of 2002, with each application occurring 7 to 14 days apart. The proposal will include provisions for the possibly of a fourth application of B.t.k., if substantial rainfall occurs too soon following the completion of an application.

One of the purposes of the Gypsy Moth eradication project is to prevent defoliation thereby decreasing soil erosion and preventing run-off into streams, rivers, and other bodies of water in the Lower Columbia River Watershed. Additional program details will be present in the site-specific environmental assessment (EA) prepared for this project. This site-specific EA is tiered to the national programmatic environmental impact statement (EIS), **Gypsy Moth Management in the United States; A cooperative approach Final EIS, November 1995.**

Please include any additional measures which would mitigate the impact of our proposed treatments near water.

Your prompt attention to this request would be appreciated. You may reach me at (206) 592-9057, or for answers to specific questions regarding the proposed treatment site, you may contact Chad Phillips with WSDA at (360) 586-8456. In your response, please provide a point of contact and number to facilitate a dialogue. Thank you for your cooperation in this matter.

Sincerely,



Barbara Chambers  
Plant Heath Director  
USDA-APHIS-PPQ

BAC:chp

cc: Dr. Charles Divan, USDA-APHIS  
Chad H. Phillips, WSDA

Enclosures  
2002 NMFS Consultation

National Marine Fisheries Service  
510 Desmond Dr. SE, Ste 103  
Lacey, WA 98503  
February 12, 2002

Barbara Chambers  
Plant Health Director, USDA-APHIS-PPQ  
22000 Marine View Dr. S #201  
Des Moines WA 98198

Dear Ms. Chambers:

Thank you for your letter of January 10, 2002 regarding plans for two proposed Gypsy Moth eradication projects. You have indicated that there will be no impacts to listed salmonids at the Crown Hill (King County) location because there are no creeks or other open bodies of water associated with the proposed treatment zone. The other treatment zones are associated with tributaries to the Cowlitz River, located in Vader (Lewis County).

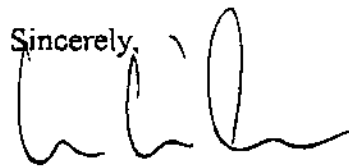
The list of anadromous species that may be affected by the proposed Gypsy Moth eradication project in Vader is correct. Per your request, the Federal Register Notice dates are as follows:

Lower Columbia River Chinook Salmon ESU:	March 24, 1999	64 FR 14308
Columbia River Chum Salmon ESU:	March 25, 1999	64 FR 14508
Lower Columbia River Steelhead ESU:	March 19, 1998	63 FR 13347
Lower Columbia River/Southwest Washington Coho:	July 25, 1995	60 FR 38011

Due to the controversial and complex nature of insecticide applications, and to ensure the maximum protection of the listed species and their habitat, we suggest that the USDA submit a Biological Assessment and a request for consultation to NMFS and the USFWS.

If you have any additional questions, please contact Laura Hamilton at (360) 753-5820.

Sincerely,



Laura Hamilton  
Biologist, NMFS